



Minutes

**BUILDING AND STANDARDS COMMISSION
REGULAR MEETING
MONDAY JULY 25TH, 2011 AT 6PM
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 S. TEXAS AVENUE**

On the 25th day of July, 2011, the Building and Standards Commission of the City of Bryan, Texas convened in Council Chambers of the Bryan Municipal Building at 6:00pm.

BSC Members Present:

Jerry Ponzio
Jerry Russum
Dan Buchly
Victor Drozd
Daryl Massey

Staff Members and Others:

Greg Cox, Chief Building Official
Kevin Russell, Director of Planning & Development Services
Lindsey Guindi, Asst. Director of Planning and Development Services
Jonathan Koury, Assistant City Attorney
Fred Taylor, Deputy Fire Marshall
Sharon Hauke, Code Enforcement Officer
Dawn Kaatz, Code Enforcement Officer
Charmaine McKinzie, Dev. Serv. Representative

Disclaimer: *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.*

1. CALL TO ORDER.

Chairperson Ponzio called the meeting to order at 6:10pm.

2. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.

No affidavits were filed.

3. APPROVAL OF MINUTES FROM THE WORKSHOP MEETING ON JUNE 20, 2011 AND REGULAR MEETING ON JUNE 27, 2011.

Commissioner Drozd moved to approve the minutes. Commissioner Russum seconded the motion.

Chairperson Ponzio asked if there was any discussion. There was none.

The motion passed with a unanimous vote.

4. OPENING STATEMENT FROM THE CHAIR

Chairperson Ponzio read the opening statement.

5. SWEARING IN OF ALL PRESENT AND INTENDING TO TESTIFY

Chairperson Ponzio swore in everyone in the audience that was planning on speaking concerning any of the properties on this meeting agenda.

6. REQUESTS TO DECLARE THE FOLLOWING BUILDINGS UNSAFE AND TO ORDER THE SAME BE VACATED, REPAIRED, SECURED OR DEMOLISHED – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission makes final determination; appeals may be directed to district court).

- c. **Case # 1721 – 719 E. Martin Luther King Jr Street**
Owner: Donna Kay Richard
Bryan's 1st, Lot 11 & pt of 12, Block 4

Ms. Lindsey Guindi, Asst. Director of Planning & Development Services, stated that the City's Chief Building Official has requested this Commission hearing to discuss this building, and all legal notices of the hearing were provided to owners, lien holders, and mortgagees. They were also notified that if they wanted to repair the building they needed to meet with City staff and come to the hearing with a detailed plan for repairs, including cost estimates. Based on the surveys, reports, photographs, and other evidence provided to the Commission, the City recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances. The City recommends that the Commission issue an order to the owner, lienholder or mortgagee to demolish/remove the structure within 30 days or the City will demolish.

Chairperson Ponzio opened the public hearing.

Ms. Devorah Mitchell of unknown address stated that she believes the house can be repaired, and presented her ideas for repairing the structure. Ms. Mitchell stated that her aunt owned this house, and now is deceased, and she would like to keep it in the family.

Responding to a question from Commissioner Massey, Ms. Mitchell stated that she had legal rights to the property.

Chairperson Ponzio closed the public hearing.

Commissioner Drozd moved to accept the City's recommendation that this building be secured and demolished by the owner, lienholder, or mortgagee within 30 days or the City will demolish. Commissioner Massey seconded the motion.

Chairperson Ponzio asked if there were any discussion.

There was none

Motion passed unanimously.

- e. Case # 1724 – 1111 E. Martin Luther King Jr Street #A**
Owner: Edward William Jr.
Austin, Lot 6, Block 2

Ms. Lindsey Guindi, Asst. Director of Planning & Development Services stated that the City's Chief Building Official has requested this Commission hearing to discuss this building, and all legal notices of the hearing were provided to owners, lien holders, and mortgagees. They were also notified that if they wanted to repair the building they needed to meet with City staff and come to the hearing with a detailed plan for repairs, including cost estimates. Based on the surveys, reports, photographs, and other evidence provided to the Commission, the City recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances. The City recommends that the Commission issue an order to the owner, lienholder or mortgagee to demolish/remove the structure within 30 days or the City will demolish.

Chairperson Ponzio opened the public hearing.

Mr. Robert Alexander of 900 Dansby, Bryan, TX stated the property owner is in California and had sent a letter to Chief Building Official Greg Cox asking for a chance to remodel the structure since he is planning to come back to Bryan to reside in January of 2013.

Chairperson Ponzio closed the public hearing

Commissioner Buchly moved to accept the City's recommendation that this building is unsafe and is secured and demolished by the owner, lienholder, or mortgagee within 30 days or the City will demolish. Commissioner Russum seconded the motion.

Chairperson Ponzio asked if there were any discussion.

There was none.

Motion passed unanimously.

- f. Case # 1732 – 229 Moss Street**
Owner: Interstate Advisors LLC
Yeager, Lot 15, Block 2

Ms. Lindsey Guindi, Asst. Director of Planning & Development Services stated that the City's Chief Building Official has requested this Commission hearing to discuss this building, and all legal notices of the hearing were provided to owners, lien holders, and mortgagees. They were

also notified that if they wanted to repair the building they needed to meet with City staff and come to the hearing with a detailed plan for repairs, including cost estimates. Based on the surveys, reports, photographs, and other evidence provided to the Commission, the City recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances. The City recommends that the Commission issue an order to the owner, lienholder or mortgagee to demolish/remove the structure within 30 days or the City will demolish.

Chairperson Ponzio opened the public hearing.

Mr. Andrew Jensen, 402 N Coulter, Bryan, TX stated that he had just bought the property in May and would like to repair the property. Mr. Jensen went over his detailed plan for repairs including cost estimates, and stated that repairs would be done in 90 days.

Mr. Greg Cox, Chief Building Official stated that he would accept Mr. Jensen plan of repair, provided he secures the property immediately, and has all repairs completed in 90 days.

Commissioner Buchly moved to accept the City's recommendation that this building is unsafe and is secured immediately, and that the property owner obtains a building permit to have all repair completed in 90 days. Commissioner Massey seconded the motion.

Chairperson Ponzio asked if there were any discussion.

There was none.

Motion passed unanimously.

g. Case # 1733 – 210 Apple Street
Owner: Emma Lee Phillips % Dennis Robertson
Ettele and Higgs, Lot 7, Block 2

Ms. Lindsey Guindi, Asst. Director of Planning & Development Services stated that the City's Chief Building Official has requested this Commission hearing to discuss this building, and all legal notices of the hearing were provided to owners, lien holders, and mortgagees. They were also notified that if they wanted to repair the building they needed to meet with City staff and come to the hearing with a detailed plan for repairs, including cost estimates. Based on the surveys, reports, photographs, and other evidence provided to the Commission, the City recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances. The City recommends that the Commission issue an order to the owner, lienholder or mortgagee to demolish/remove the structure within 30 days or the City will demolish.

Chairperson Ponzio opened the public hearing.

Mr. Nathaniel Phillips, 2410 Southside Drive, Bryan TX, stated that he is trying to get the City's Community Development Department to help him repair the house, because he feels the house is repairable. Mr. Phillips went on to say that if the house is demolished he will not qualify.

Commissioner Drozd asked Chief Building Official Greg Cox to verify the presented information. Mr. Cox produced a memorandum from the City's Community Development Department dated July 11, 2011 stating that Mr. Phillips is not eligible for assistance at this time.

Mr. Dennis Robertson, of 905 W 18th Street, Bryan, TX, stated that he would have no problem signing the house over to his brother Nathaniel Phillips.

Ms. Cornelia F Laws, of 1306 E 21st Street, Bryan, TX was sworn in by Chairperson Ponzio, Ms. Laws stated that her brother, Nathaniel Phillips, just got out of jail, and he is trying to get his life together, and she was here to support her brother.

Chairperson Ponzio closed the public hearing.

Commissioner Massey moved to accept the City's recommendation that this building is unsafe and is secured and demolished by the owner, lienholder, or mortgagee within 30 days or the City will demolish. Commissioner Drozd seconded the motion.

Chairperson Ponzio asked if there were any discussion.

There was none

Motion passed unanimously.

- h. Case # 1743 – 1004 E. Martin Luther King Jr Street**
Owner: J G Murr Holding company LLC Attn: James G Murr
Candy Hill PH 1, Lot 2, Block 1

Ms. Lindsey Guindi, Asst. Director of Planning & Development Services stated that the City's Chief Building Official has requested this Commission hearing to discuss this building, and all legal notices of the hearing were provided to owners, lien holders, and mortgagees. They were also notified that if they wanted to repair the building they needed to meet with City staff and come to the hearing with a detailed plan for repairs, including cost estimates. Based on the surveys, reports, photographs, and other evidence provided to the Commission, the City recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances. The City recommends that the Commission issue an order to the owner, lienholder or mortgagee to demolish/remove the structure within 30 days or the City will demolish.

Chairperson Ponzio opened the public hearing.

Mr. James Murr, of 2302 W Briargate Drive, Bryan, TX stated that he had received the letter 7 days ago, because he was out of town., Mr. Murr stated he had made multiple attempts to renovate the house, but with theft and or vandalism was the outcome. Forcing him to tear it down would be an injustice due to the public negligence on the street that did not allow him to create a good property. The City had made much progress on E MLK over the last year, due to their motivation to enhance the corridor leading to the new high school and potential gateway to downtown,

Mr. Murr requested that the Commission allow him to explore this proposal with the city of Bryan and the various charities before a ruling is made on demolition. Mr. Murr also stated if an agreement is not reached he would like the opportunity to re-assess the potential for renovation to the property now that the city has cleaned up the neighborhood since his last attempt.

Commissioner Buchly asked Mr. Murr if he would be willing to put the money into it again
Mr. Murr stated he is not sure.

Ms. Lindsey Guindi, Asst. Director of Planning & Development Services stated that the City's Community Development Department is not currently interested in purchasing the property from Mr. Murr

Chairperson Ponzio closed the public hearing.

Commissioner Buchly moved to accept the City's recommendation that this building is unsafe and be secured immediately and that the property owner present the Commission with cost estimates and timelines for repair during the Commission's next regular meeting on August 22, 2011. Commissioner Drozd seconded the motion.

Chairperson Ponzio asked if there were any discussion.

There was none.

Motion passed unanimously.

Ms. Lindsey Guindi, Asst. Director of Planning & Development Services advised that there was no one in the audience to address the Commission on the remaining agenda items:

- a. **Case # 1723– 1505 Fig Street**
Owner: Bobby & Alice Washington
Lopez, Lot 8, Block 8
- b. **Case # 1734 – 1008 Hall Street**
Owner: Espanola P Lewis
Bryan's 3rd, Lot 17, Block 4
- d. **Case # 1722 – 1008 E. Martin Luther King Jr Street**
Owner: John W Foster % Howard Foster
Candy Hill PH 1, Lot 4, Block 1

Chairperson Drozd moved to accept the City's recommendations for agenda items 6 a., b., d. that these buildings are unsafe, be secured and demolished by the owners, lienholders, or mortgagees within 30 days or the City will demolish. Commissioner Russum seconded the motion.

Chairperson Ponzio asked if there were any discussion.

There was none.

Motion passed unanimously.

7. STAFF ANNOUNCEMENTS (This item includes introductions of new employees, meeting reminders, upcoming events, and staff recognition).

Ms. Lindsey Guindi, Asst. Director of Planning & Development Services stated that the next Building & Standards Commission Meeting would be August 22, 2011, and that Commissioner would be notified of when the next workshop meeting would be would be.

8. FUTURE AGENDA ITEMS (A Commissioner may request that a subject for which notice has not been given be placed on an agenda for future meeting).

No future agenda items were requested.

9. ADJOURN.

Without objection Chairperson Ponzio adjourned the meeting at 7:20pm.

These minutes were reviewed and approved by the City of Bryan Building and Standards Commission on the **22nd** day of **August, 2011**.

Jerry Ponzio, Chairperson
Building and Standards Commission
City of Bryan, Texas

Greg Cox, Chief Building Official and
Secretary to the Building and Standards
Commission